Nada Smith

A. I don't know if it's my uncle.

Q. What is your uncle's name?

A. I don't know which uncle. I have a lot.

MR. SIMON: No, no. You'll have a chance.

MS. LINDERMAYER: Can the record just reflect that Mr. Eltouby is trying to pass notes to Ms. Smith.

MR. ELTOUBY: [Inaudible]

MS. LINDERMAYER: I'm sorry, you can't speak during the deposition.

MR. LANE: We can't speak directly to him either.

MR. SIMON: Let's all be quiet. I just want you to be quiet. Let him just ask the questions.

MR. LANE: Off the record.

(A discussion is held off the record.)

oOo

Q. I'm sorry, Ms. Smith, you said that you have been to Hillside Motors. Just to be clear: I am talking about Hillside Motors at 1610 Hillside Avenue in Jamaica, New York. Is that the Hillside Motors that you have been to before?

A. I know it's located in Jamaica. I don't know the physical address, but I know it's in Jamaica.

Q. You said you have been there to pick up a relative. What relative did you pick up when you went there?

A. My sister, I believe.

Q. What is your sister's name?

A. Sara Eltouby.

Q. S-A-R-A?

A. "H."

Q. "H"?

A. Mm-hmm.

Q. Did Sarah work at Hillside?

A. No.

Q. Is Sarah older or younger than you?

A. Younger.

Q. Do you know her age?

A. Eighteen.

Q. Let me go back to your time at New

Nada Smith

York Motor Group. Again, I'm sorry, tell me what your title was at New York Motor Group?

A. Receptionist.

Q. Is it true you also said that you --

A. Just assisted my dad.

Q. You assisted your father?

A. Yes. Well, I was there just to help him out with, you know, with the dealership.

Q. Did your father pay you to work there?

A. No.

Q. So you never received any income from working at New York Motor Group?

A. No. Like I said, I was just helping out my dad. I was living at home, so.

Q. So you received no paycheck?

A. No.

Q. No income at all --

A. No.

Q. -- for working there?

And yet you worked there from October 2012 to December 2013?

Nada Smith

A. Correct.

Q. Did you have any job outside of that where you made money?

A. No.

Q. So you had no income from October 2012 until December 2013?

A. No.

Q. Did you file taxes at all during that time?

A. No.

Q. Did you file taxes in 2011?

A. I don't think so.

Q. Did you file taxes -- and I know I just asked this, but I want to be clear -- you did not file any taxes for the year 2011?

A. I'm trying to remember, I'm sorry.

Q. That's okay, take your time.

A. Yeah, I did. I'm sorry, I did.

Q. Did you file taxes for 2012?

A. No.

Q. Did you file taxes for the year 2013?

A. No.

Q. Will you be filing taxes this

year, for 2014?

A. No.

Q. You are not filing taxes for 2014?

A. I haven't had an income since I don't remember. So, no.

Q. You testified that from January 2014 to June 2014, you worked at JF Motors?

A. Correct.

Q. Did you make income while working there?

A. Yes.

Q. So are you going to file New York State and IRS tax returns for 2014?

A. Yes. I haven't received anything from them.

Q. You have not received a W-2?

A. No. So that's why I wasn't planning on doing that, because I didn't receive the W-2 or anything.

Q. Did you ever receive a W-2 from New York Motor Group?

A. No.

*RQ MR. LANE: I'm going to call for production of copies of Ms. Smith's tax returns for all tax returns for 2010 to the present.

MR. SIMON: I take it under advisement. My belief is that it's not relevant to the issues of this lawsuit -- other than for the period of time she would have worked at New York Motor Group, which would have been 2012 to 2013; correct?

THE WITNESS: Mm-hmm.

MR. LANE: I will certainly put it in a letter. Thank you.

THE WITNESS: Are you allowed to do that?

MR. LANE: Again, I can't answer your questions and you don't really get to ask me questions. And you can't speak to your attorney in the midst of this deposition about answers, so let's just get back to it.

Q. When you worked at New York Motor Group, did you communicate with any of the other employees there?

A. Yes.

Nada Smith

Q. What would you generally talk about with the other employees when you spoke with them?

A. It was all work-related.

Q. What would be some of the examples of why you would need to be speaking to the other employees there?

A. Asking them how it went with the client. Asking them just work-related stuff. I don't remember exactly what I would ask them.

Q. Why would you ask them about how things went with the client?

A. Because I wanted to make sure that every client was happy.

Q. Why did you want to make sure that the clients were happy?

A. That's good customer service.

Q. Why did you care about good customer service at New York Motor Group?

A. Because it's important wherever you go that you have good customer service.

Q. Would you report back to your father about what you saw and what you heard from the employees at New York Motor Group?

Nada Smith

A. Yes.

Q. How often would you report back to your father about it?

A. Every day. I lived at home.

Q. How often was your father at New York Motor Group?

A. He was never there.

Q. Do you mean to say that never in the time you were there that your father was ever at the dealership at the same time?

A. Yes, he was never there. He just never went to that dealership.

Q. Again, I'm not trying to be difficult, but I just want to be clear. On any day that you worked there, your father was never there on the same day?

A. No. He was never there.

Q. You never saw him inside New York Motor Group while you worked there?

A. He stopped by a few times. But he was never there on a daily basis to, you know, see anything. But he did stop by here and there. I don't remember how many times.

Q. Who was responsible for hiring the

Nada Smith

employees at New York Motor Group?

A. My father.

Q. Do you know where your father would meet with people --

A. No.

Q. -- to hire them?

A. No.

Q. Or interview them?

A. No.

Q. Do you know where your father was spending most of his time during the period that you were working at New York Motor Group?

A. No.

Q. Did he own other dealerships during that time?

A. I know that he owned the Long Island location.

Q. The Planet Auto?

A. Yeah.

Q. The Planet Auto Group in Huntington, New York?

A. Correct.

Q. He did own that during that time?

A. Yes.

Nada Smith

Q. So who was in charge of the dealership at New York Motor Group when your father wasn't there?

A. We had a sales manager. We had a few. I don't remember any of their names, I'm sorry.

Q. Do you remember the names of any of the employees at New York Motor Group?

A. The employees?

Q. Anyone who worked there, managers or employees?

A. Yes.

Q. While you were there.

A. There was Dewan. There was Julio Estrada.

Q. Dewan. And you said Julio Estrada?

A. Yes.

Q. Anyone else?

A. Mohammed.

Q. Do you know Mohammed's last name?

A. No.

Q. Do you know Dewan's last name?

A. I know it starts with an A.

Nada Smith

Q. Mohammed's last name starts with an A?
A. No. Dewan's.
Q. I'm sorry. Dewan's?
A. Yes. Mohammed, I don't know his last name.
Q. Anyone else, other names that you remember?
A. Alex. There was this girl named Ola.
Q. O-L-A?
A. Yes. She wasn't there for that long. Danny.
Q. Anyone else?
A. Angel.
Q. Do you know Angel's last name?
A. No. I know it starts with an S.
Q. Santiago?
A. There we go.
Q. Angel Santiago worked there?
A. Yes.
Q. What did Angel Santiago do there?
A. Finance.
Q. When you say "finance," can you

Nada Smith

please explain?

A. Finance manager. Getting deals approved and giving the loans to the clients.

Q. What did Julio Estrada do at New York Motor Group?

A. Same thing. Finance manager.

Q. Did Julio Estrada work beneath Angel Santiago?

A. No. When Julio started, Angel left. I don't know where he went, but he wasn't there any longer.

Q. Were you working there when Angel left?

A. Yes.

Q. When did Angel leave?

A. December of 2012.

Q. When did Julio Estrada begin?

A. December of 2012.

Q. Did your father hire Julio Estrada?

A. Yes.

Q. Did you meet with Julio Estrada before he was hired?

A. No. I'd never seen him before.

Nada Smith

Never met him before. That was the first time, when he came in to work.

Q. So the first time you ever met Julio Estrada was at New York Motor Group?

A. Correct.

Q. On his first day of work?

A. Yes.

Q. In December 2012?

A. Yes.

Q. Was there any other finance representative or finance manager?

A. No. It was Angel.

Q. And then Julio Estrada?

A. Yes.

Q. What did Dewan do?

A. Sales representative.

Q. What about Mohammed?

A. Sales rep. There was a manager at one point named Mohammed as well. I don't know his last name. Danny also was a sales manager.

Q. Sales manager?

A. Correct.

Q. What about Alex?

A. He's a sales representative. And

Mohammed was also a sales representative. There's two Mohammeds.

Q. Two Mohammeds?

A. Yes.

Q. Mohammed the sales rep and Mohammed the sales manager?

A. Yes.

Q. Were Mohammed the sales rep and Mohammed the sales manager at New York Motor Group at the same time?

A. I don't believe so. Maybe for a month, but that's it.

Q. Were there any salespeople there who spoke Chinese or Mandarin?

A. No.

Q. Ever?

A. No.

Q. Not while you were there?

A. No.

Q. Do you know Alestie Abreu? Is that a familiar name to you? A-L-E-S-T-I-E. A-B-R-E-U.

A. No.

Q. Did your father have any partners

Nada Smith

who owned New York Motor Group with him?

A. Not to my acknowledgment. If he did, I didn't know.

Q. Did you work with Angel to assist with the financing of the vehicles in any way?

A. No.

MR. SIMON: Note my objection to the form of the question.

MR. LANE: I'm going to rephrase the question.

Q. Did you work with Angel in any way?

A. No.

Q. Did you ever file papers for Angel?

A. Yes. Well, he just gave me the deal after he was through with it, and I filed it. That's it.

Q. Would you ever fax or email papers for Angel?

A. No. Just made copies for the clients, really.

Q. When you say "file," what do you mean?

Nada Smith

A. The deal jacket. The deal that has the client's paperwork.

Q. What would you do with it?

A. Put it in a cabinet, a file cabinet.

Q. Where would that be stored?

A. In the office, in the closet.

Q. Were papers ever moved out of the office and stored offsite?

A. No, not that I know of. If an employee takes a file home or something, I didn't know. Or if something -- you know, all I did was just put it in the cabinet.

Q. Where was the cabinet?

A. In the closet in the office.

Q. In the closet in the office, okay. And was that closet locked?

A. No.

Q. Did every employee have access to that closet?

A. Yes.

Q. Did you take notice of who was going in and out of the closet?

A. No.

Nada Smith

Q. I'm sorry if I've asked you this already, but did you handle money for customers while you were at New York Motor Group?

MR. SIMON: Objection to the form of the question.

Q. You can answer.

MR. SIMON: The reason?

MR. LANE: No. You have noted your objection and we are ready to continue.

MR. SIMON: You don't want to know what format I was objecting to?

MR. LANE: Okay, if there's a way I can rephrase the question, then please let me know.

MR. SIMON: You asked did she handle money for customers. I don't know what that means. Do you mean customers of the dealership?

MR. LANE: I will rephrase the question.

Q. Did the customers ever hand you money?

A. No.

Nada Smith

Q. Did Angel ever hand you money?
A. No.
Q. Did Julio Estrada ever hand you money?
A. No.
Q. Did Angel ever ask you to get money for customers?
A. No.
Q. Did Julio Estrada ever ask you to get money for customers?
A. No.
Q. Did Julio Estrada ever ask you to fill out money orders for customers?
A. No.
Q. Did you ever handle refunds to customers?
A. No.
Q. Did you ever speak to customers about their complaints?
A. Yes.
Q. Did you ever sign receipts?
A. Yes.
Q. Did you ever sign legal papers on behalf of New York Motor Group?

Nada Smith

A. No.

MR. SIMON: Note my objection to the form of the question.

Q. Do you recall if you ever signed papers in response to a Department of Consumer Affairs investigation of New York Motor Group?

A. No.

Q. You don't recall?

A. I have never signed anything like that, no. I'm sorry, can you state that question again, about the Consumer Affairs? Like if a complaint came in, or a person came in? Because at one point you know, they do come and do inspections, and I did sign off on an inspection that was done, but that's it. I didn't sign off on any complaints.

Q. All right. What inspection was done?

A. Oh, they come check on the vehicles to make sure that, you know, they're well-prepared for sales; that their buyer's guide and stuff and everything is on it, and if anything is missing and stuff like that.

Q. And you would sign?

Nada Smith

A. I signed that piece of document, yes.

Q. Do you remember what document it was?

A. It was just their inspection paper. I don't know what they call it or anything.

Q. Do you remember how many times you did that?

A. Once or twice. It wasn't more than that.

Q. When you signed those papers, what would you do with them?

A. Nothing. She just took it, gave me a copy, and I gave the copy to my father.

Q. Who is "she"?

A. The woman that came from Consumer Affairs.

Q. I just want to make sure that I'm asking this correctly. I just want to make sure that I've got this right: You said that Julio Estrada began working at New York Motor Group in December 2012?

A. Correct.

Nada Smith

Q. And that was the first time you ever met him -- in December 2012?

A. Correct.

Q. Do you know if he used names other than "Julio Estrada"?

A. Yes.

Q. What name did he use when he introduced himself to you?

A. John DeSantos. And he called himself, he went by "Jay."

Q. J-A-Y?

A. Yes. J-A-Y.

Q. Did you ever hear him use any other last names?

A. No.

Q. Did you ever hear him use any others?

A. No.

Q. Were there files kept on employees at New York Motor Group?

A. Just a copy of their licenses, if the employee had it, you know. Just a copy of an ID and their phone numbers.

Q. Did you handle those files?

Nada Smith

A. I knew where they were.

Q. Did you take copies of their licenses and IDs?

A. Yes.

Q. And put it in a file?

A. I just took the copies. The sales manager handled it after I took the copy.

Q. So you would make the copy?

A. Yes.

Q. And then who would you give it to?

A. Whoever the sales manager was at the moment.

Q. So let me just understand this. Let's pretend that I'm a new employee at New York Motor Group, and I'm a sales rep. Would I have been sent to you to give you my license so you could make a copy?

A. No. The sales manager would hand me the license, "Here, make a copy if you can, please." Make the copy, hand it back to the sales manager, and he filed it away. But I knew where they were kept.

Q. Where were they kept?

A. At the sales manager's desk.

Nada Smith

MR. LANE: Let's go off the record. We'll take a five-minute break.

(Whereupon Mr. Keshavarz enters the deposition room at 11:39 a.m.)

(A brief recess is taken. A discussion is held off the record.)

oOo

MR. LANE: Could you read back the last question and answer?

(The record is read back by the reporter.)

Q. So did you ever access those files kept on employees?

A. When they needed to be, yes. If I needed to make a phone call to a salesperson or anything, yes.

Q. What were other reasons that you would need to get an employee's file?

A. That would be the only reason; if I need to contact them.

Q. Did you ever do a background check --

A. No.

Q. -- on an employee?